

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
<b>VS.</b>	)	<b>CASE NO. 3:05-CR-234-A</b>
<b>TYRONE WHITE</b>	)	<b>Request for Immediate Hearing before full U.S. District Court Judge</b>

**DEFENDANT’S MOTION FOR SANCTIONS AND OPPOSITION RESPONSE TO  
GOVERNMENT’S RESPONSE TO MOTION TO LIFT ELECTRONIC MONITORING**

COMES NOW the Defendant TYRONE WHITE, by and through his attorney, Julian L. McPhillips, Jr., and hereby responds to the government’s Response (Doc. 12), filed herein on October 17, 2005, and, respectfully articulates this as a motion for sanctions for the U.S. government’s breach of its agreement to provide electronic monitoring liberty for the Defendant White during the long Columbus Day weekend of October 7-10, 2005. **Defendant further renews his request for oral argument and an immediate hearing before a full Federal District Court Judge on this matter.**

1. **The government misstates the agreement reached between counsel as to the terms of the defendant’s surrender.** The actual agreement reached on Thursday, October 6, 2005, between the undersigned and Assistant United States Attorney Todd A. Brown, was that the defendant would surrender himself on Friday, October 7, 2005, and **submit to electronic monitoring on condition that he not be detained over the three-day weekend.**

2. Detention over the long weekend was a critical factor for the defendant, and he would not have surrendered himself until Tuesday, October 11, 2005, had he known the authorities

would not only endeavor to detain him, but that he would have been placed in cold, solitary, dark room confinement during that three and one-half day period.

3. The government cites authority for the proposition that the agreement reached between the government and the above-named defendant is a binding contract, as in a plea agreement. **If this Court adopts the government's reasoning, then it must grant sanctions against the government for its flagrant breach of the agreement reached between counsel regarding the particulars of the defendant's surrender.**

4. The defendant renews its request for oral arguments before a District Court Judge, especially in light of the Magistrate Judge's Order (Doc. 13) that a detention hearing be scheduled in the case, based on the government's misrepresentation that the Defendant breached its agreement.

5. For the government to thereafter seek the Defendant's confinement in jail, for filing the motion to lift the electronic monitoring, is "proof positive" of the government's retaliatory motives against this Defendant.

WHEREFORE, premises considered, the undersigned prays that this Honorable Court will hereby:

(1) GRANT the defendant's motion to lift electronic monitoring restrictions and allow defendant to remain out of bond pending trial, as previously set forth in his motion (Doc. 9); or

(2) in the alternative, GRANT the defendant's renewed motion for oral arguments before a District Court Judge; and

(3) GRANT terms and sanctions as justice requires.

RESPECTFULLY SUBMITTED this 19th day of October, 2005,

TYRONE WHITE  
Defendant

Electronically Signed By  
JULIAN L. McPHILLIPS, JR.  
Attorney for Defendant  
Alabama Bar No. MCP004  
P.O. Box 64  
Montgomery, AL 36101  
(334) 262-1911

OF COUNSEL:  
McPHILLIPS, SHINBAUM, L.L.P.  
516 S. Perry Street  
Montgomery, AL 36104  
(334) 262-1911

CERTIFICATE OF SERVICE

I certify that, on this date, I have served a copy of the foregoing upon the Government by electronic filing, and by mailing an additional courtesy copy of same to the Government's attorneys at the addresses below:

Todd A. Brown  
Assistant United States Attorney  
One Court Square, Room 201  
P.O. Box 197  
Montgomery, Alabama 36101

Electronically Signed by  
JULIAN L. McPHILLIPS, JR.  
Attorney for Defendant